

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RUTH AYRES,

Plaintiff,

Docket No. 08-CV-04780 (BSJ)(KNF)

-against-

COMPANY C COMMUNICATIONS, LLC,

AFFIDAVIT IN SUPPORT  
OF MOTION TO SUBSTITUTE  
COUNSEL OF RECORD

Defendant.

-----X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

BENNETT H. LAST, being duly sworn, deposes and says:

1. I am an attorney and member of the firm of Gilbride, Tusa, Last & Spellane LLC ("GTLS"), attorneys for Plaintiff Ruth Ayres ("Plaintiff") in the above-captioned matter. I make this affidavit in support of GTLS's motion, pursuant to Local Rule 1.4, for an order granting GTLS leave to withdraw as counsel for Plaintiff. The facts set forth herein are true to my personal knowledge.
2. On May 22, 2008, the above-captioned employment dispute was commenced by the filing of a summons and complaint. On June 12, 2008, Defendant Company C Communications, LLC ("Defendant"), by and through its counsel Davis & Gilbert LLP, appeared in this proceeding and answered the complaint.
3. Plaintiff has requested that Levy Davis & Maher, LLP handle this matter on her behalf instead of GTLS. Upon information and belief, Levy Davis & Maher, LLP concentrates its practice in the area of employment related litigation and is therefore well suited to represent Plaintiff in this matter.

4. On August 26, 2008, GTLS executed a Consent to Change Attorney agreeing, subject to this Court's Order, to substitute Levy Davis & Maher, LLP as attorneys for Plaintiff in GTLS's place and stead. A copy of the Consent to Change Attorney is attached hereto as Exhibit "A".

5. Discovery in this proceeding is in its initial stages. While the parties have exchanged F.R.C.P. 26(a) initial disclosures, no other discovery has taken place. No depositions have yet been taken, nor are there any outstanding discovery demands. Pursuant to this Court's scheduling Order, dated July 2, 2008 (the "Scheduling Order"), discovery is to be completed on or before November 14, 2008 and a settlement conference is currently scheduled for September 9, 2008. A copy of the Scheduling Order is annexed hereto as Exhibit "B".

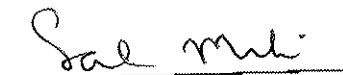
6. Given the early stages of this litigation and the limited discovery that has taken place, GTLS respectfully submits that Defendant will not be prejudiced by the granting of this motion.

7. Jonathan Adam Bernstein, Esq. of Levy Davis & Maher, LLP has already filed a Notice of Appearance in this proceeding. I have agreed to assist Mr. Bernstein in the transition and do not expect any appreciable modifications to the Court's Scheduling Order.

WHEREFORE, GTLS respectfully requests that this motion be granted and that the Court allow GTLS to withdraw as counsel in this proceeding.

  
BENNETT H. LAST

Sworn to before me this  
27<sup>th</sup> day of August, 2008

  
Notary Public

SAL MELI  
Notary Public, State of New York  
No. 02ME6080256  
Qualified in Kings County  
Commission Expires Sept. 9, 20 10

**EXHIBIT “A”**

X 317-Consent to Change (Substitution) of Attorney.

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60 EXCHANGE PL. AT BROADWAY, N. Y. C. 10004

Consent must be signed by attorney of record and signed and acknowledged by party. Type name beneath each signature.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Index No.

08 Civ. 4780 (BSJ) (KNF)

RUTH AYRES,

Plaintiff(s),

against

COMPANY C COMMUNICATIONS, LLC,

Defendant(s).

CONSENT  
TO CHANGE  
ATTORNEY

IT IS HEREBY CONSENTED THAT

Jonathan Adam Bernstein, Levy Davis &amp; Maher, LLP,

Esq.

of No. 29 Broadway, 9th Flr., New York, NY 10006

be substituted as attorney(s) of record for the undersigned party(ies) in the above entitled action in place  
and stead of the undersigned attorney(s) as of the date hereof.

Dated: August 26, 2008

RUTH AYRES

Gilbride, Tusa, Last &amp; Spellane LLC

BY:

Frederic P. Rickles

STATE OF NEW YORK  
COUNTY OF NEW YORK

ss.:

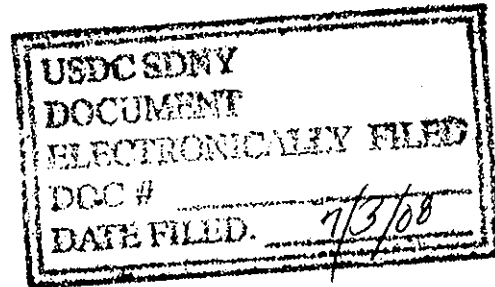
On the 26th day of August, 2008

x10x, before me personally came

Ruth Ayres

to me known, and known to me to be the same person described in and who executed the foregoing consent  
and acknowledged to me that she executed the same.JONATHAN A. BERNSTEIN  
Notary Public, State of New York  
No. 31-5010034  
Qualified in Queens County  
Commission Expires August 28, 2011

**EXHIBIT “B”**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
RUTH AYRES,  
:

Plaintiff,  
:

-against-  
:

COMPANY C COMMUNICATIONS, LLC,  
:

Defendant.  
-----X

ORDER

08 Civ. 4780 (BSJ)(KNF)

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

A pretrial conference was held with counsel to the respective parties on July 2, 2008.

As a result of the discussion had during the conference, IT IS HEREBY ORDERED that:

1. all discovery, of whatever nature, shall be initiated so as to be completed on or before November 14, 2008;
2. a settlement conference shall be held with the parties on September 9, 2008, at 2:30 p.m.;
3. if necessary, a telephonic status conference shall be held with the parties on October 8, 2008, at 11:30 a.m. Counsel to the plaintiff shall initiate the telephonic conference on that date; and
4. if necessary, the parties' joint pretrial order shall be submitted to the Court on or before December 15, 2008. That document must conform with the requirements

for such an order that are found in the Individual Rules of Practice of the assigned district judge.

Dated: New York, New York  
July 2, 2008

SO ORDERED:

  
\_\_\_\_\_  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE